IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5078 OF 2007

| Office Notes, Office Memoranda of Coram, appearances, Court's order or directions | Court's or Judge's orders |
|---|---|
| | ¦ Mr.Dilip Bodake for the<br>¦ Petitioner.<br>¦ Mr.A.D.Buch i/b S.K.Mane for<br>¦ Respondents Nos.1 & 2.<br>¦ Mr.A.H.Palekar, AGP for State.<br>¦<br>¦ **CORAM: D.K.DESHMUKH &**<br>¦ V.M.KANADE**, JJ.**<br>¦ **DATED:** 13TH DECEMBER, 2007 |

P.C.:

The Petitioner by this petition claims to be working as Assistant Teacher in a school of the Respondents Nos. 1 & 2 since 1991. This fact is disputed. According to the Respondents Nos. 1 & 2, the Petitioner is one of the founder trustee of the Trust which runs the school. At no point of time she was appointed as Assistant Teacher. Even the Petitioner does not produce

any order appointing her as Assistant Teacher. The document in the shape of certificate relied on by the Petitioner appears to have been issued in her favour by her own husband, who is trustee of the Trust. All the questions that will have to be decided in order to grant reliefs to the Petitioner are disputed and complicated questions of fact and therefore, petition cannot be entertained. One more aspect that is to be considered is that the Petitioner is claiming for a writ directing the management to pay her salary from 1999. The petition has been filed in 2007, obviously, therefore, the claim for the salary from 1999 may be barred by the law of limitation . Petition is, therefore, rejected.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)